

Opinion NS-5623—September 18, 1944

SUBJECT: CHIROPRACTOR IS NOT A PHYSICIAN AND, THOUGH LICENSED, MAY NOT ACT WHERE STATUTE DEMANDS "LICENSED PHYSICIAN."

PREPARED FOR: STATE ATHLETIC COMMISSION, SACRAMENTO.

PREPARED BY: CARL W. WYNKOOP, DEPUTY ATTORNEY GENERAL.

This will acknowledge your letter of August 9th wherein you advised that a duly licensed chiropractor has filed his application to appear at boxing contests or sparring or wrestling matches as a licensed physician pursuant to Section 18742

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of the Business and Professions Code. You ask our opinion as to whether such chiropractor may be considered by your Board as a licensed physician, as provided in the above cited section:

Section 18742 of the Business and Professions Code provides as follows:

"Every club holding a license to conduct boxing contests, or sparring or wrestling matches shall have at its own expense in attendance at every boxing contest, or sparring or wrestling match, a licensed physician who has had not less than three years' medical practice, who shall observe the physical condition of the boxers and wrestlers and advise the referee with regard thereto.

"One hour before the contestants enter the ring such physician shall certify in writing over his signature, as to the contestants' physical condition to engage in such contest or match. A report of the medical examination shall be filed with commission not later than 24 hours after the termination of a contest or match."

The question here involved is whether a chiropractor is a licensed **physician**. The American Illustrated Medical Dictionary by W. A. Dorland defines "physician" as "an authorized practitioner of medicine." Webster's Unabridged New International Dictionary defines "physician" as "a person skilled in physics or the art of healing or duly authorized to treat diseases, especially by medicine; a doctor of medicine." "Chiropractic" is defined by Webster's New Unabridged International Dictionary as "a system of practice of adjusting the joints, especially that of the spine, by hand for the curing of diseases; "Chiropractor" as "a practitioner of chiropractic." The American Illustrated Medical Dictionary defines "chiropractic" as "a system of therapeutics based upon the theory that the disease is caused by abnormal functions of the nervous system."

The legislature has definitely provided the requirements by which a chiropractor and a duly licensed physician and surgeon may be licensed.

Section 7 of the Chiropractic Act, 1937, Deering's General Laws, p. 2049, Act 4811, defines the authority of one licensed to practice as a chiropractor, and reads as follows:

"Sec. 7. Certificate to practice. One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated 'License to practice chiropractic,' which license shall authorize the holder thereof to practice chiropractic in the state of California as taught in chiropractic schools or colleges; and, also, to use all necessary mechanical, and hygienic and sanitary measures incident to the care of the body, but shall not authorize the practice of medicine, surgery, osteopathy, dentistry or optometry, nor the use of any drug or medicine now or hereafter included in *materia medica*."

It may be seen that there is a definite distinction between a chiropractor and a physician. Although a chiropractor may in his course of study be required to take courses similar to those taken by a physician, he is limited by the authority granted

him in Section 7 of the Chiropractic Act, while a physician is licensed to perform those acts as set forth in Section 2137 of the Business and Professions Code.

The question as to the distinction between physician's and surgeon's certificates and other certificates coming within the healing arts was expressed by the Court in *In re Rust*, 35 Cal. App. 422, as follows:

"The distinction between these certificates is quite marked, and they are issued as the result of a different examination; and it is very apparent to us that 'the terms 'duly licensed physician and surgeon' as used in the section of the act above quoted has direct reference to the holders of the former class of certificates to the exclusion of the holders of the latter. The cases cited by petitioner from other jurisdictions holding that an osteopath may be said to engage in the practice of medicine and surgery, have in our opinion no application to the facts of this case, where the question is much narrower and is one of statutory construction. Under our statute we are clearly of the opinion that the petitioner is not a 'duly licensed physician and surgeon'."

It is therefore my opinion that the chiropractor may not serve as a licensed physician as provided by Section 18742 of the Business and Professions Code.